



## CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

**Department:** Human Resource Management  
**Subject:** Leave (Full Time Employees)

**Policy Number:** 6-1  
**Supersedes:** 07/01/04  
**Date Issued:** 01/01/05

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### I. INTRODUCTION

#### A. Full Time Employees

In addition to annual leave and sick leave, the County's benefit package includes several different categories of approved absences for full time employees.

When the criteria outlined in this procedure are met, full time employees may also be eligible for:

1. Family sick leave
2. Family medical leave
3. Maternity leave
4. Extended sick leave
5. Bereavement leave
6. Civil leave
7. Executive leave
8. Military leave
9. Professional development leave
10. Leave without pay/Dock
11. Leave donation
12. Adoption leave

Information on County holidays can be found in the personnel policies, section 5-5.

- B. Part Time Employees** – Part time employees may be eligible for Part Time Leave (PTL) and civil leave as outlined in Administrative Procedure 6-11 or Family Medical Leave as outlined in Administrative Procedure 6-20.

### II. CATEGORIES OF LEAVE

#### A. Annual Leave

Annual leave requests will be granted within the preference of the employee if the request does not conflict with the needs or objectives of the department. The decision of department management as to when leave may be taken is final. Once annual leave is being taken, an employee may not use sick leave during such annual leave period unless the employee is confined by written order of a physician. Seniority and the operational needs of the department may be considered when preparing leave schedules.

Annual leave allowance shall be accrued for each completed pay period of service at the following rates:

Years of Service	Accrual Per Pay Period	Total Days Annually	Maximum Balance at End of Year**
0—5	4 hours	12 days	24 days (192 hours)
Over 5 but less than 10	5 hours	15 days	30 days (240 hours)
10 but less than 20	6 hours	18 days	36 days (288 hours)
20+	7 hours	21 days	40 days (320 hours)

Employees will accrue leave for each entire pay period worked. Upon separation, employees are paid for accumulated annual leave up to the maximum balance stated above. Accrual rates and maximum balance will vary for public safety and other departments that maintain 24 hour operations. For a complete list of leave accrual schedules refer to Administrative Procedure 1-4.

\*Annual leave is accrued during 24 pay periods each calendar year. Annual leave is not accrued on the pay period that immediately follows a month with three pay end dates. This occurs two times a year. An employee who is in leave without pay status for any portion of a pay period will not accrue leave for that pay period.

\*\*At the end of each year, all annual leave in excess of the maximum balance, which is unused by the end of the pay period which includes December 31, is forfeited.

**B. Sick Leave**

Sick leave is a privilege and any abuse will result in disciplinary action. There is no limit on sick leave accrual. All full-time employees accrue sick leave credits at the rate of five hours for each completed pay period of service. Sick leave is accrued through 24 pay periods during the year. Sick leave is not accrued on the pay periods with three pay end dates during the month. For 24-hour employees, sick leave accrual is 7.5 hours each pay period. (Employees working 24-hour workdays shall be charged two 12-hour days leave for each 24-hour workday taken.) An employee who is not in a paid status for a complete pay period does not accrue sick leave for that pay period.

Sick leave allowances may be used only if the employee is unable to work due to 1) an illness or injury incapacitating the employee; 2) exposure to a contagious disease such that presence on duty would jeopardize the health of fellow workers or the public; 3) a medical or dental appointment for examination or treatment.

An employee who is unable to work due to illness is responsible for contacting his supervisor prior to the scheduled work start time on the day of absence and will be expected to report on his status on a regular basis as established by the supervisor. Employees must provide a statement from a licensed health care provider when they use more than five consecutive days of sick leave. Once sick leave is taken, an employee may not change it to annual leave. When a substitute is required, the employee must report his absence at least two hours before the designated reporting time. Any non-exempt employee who fails to comply with this provision may be charged with leave without pay.

If an employee is unable to work due to illness, the county will place the employee on sick leave status if the employee has accrued sufficient sick leave credits. In the event sick leave credits do not cover the period of absence, additional absence will be charged to annual leave

credits. Employees who are on FMLA leave may choose to go on leave without pay after exhausting all sick leave. Guidelines for FMLA leave are outlined in Administrative Procedure 6-20.

When all accrued sick and annual leave credits have been exhausted and the employee is unable to return to work because of a medical condition, the employee must obtain a physician's statement explaining the nature of the medical condition and the date which the employee should be able to perform regular duties. Based on this information, and other information that may be required by the county, the department director/office administrator will make a decision, depending upon the needs of the department, whether the employee is eligible for extended sick leave, whether the employee will be placed on leave without pay and the position will be held for the employee, or whether the employee will be separated from county employment.

Prior to returning to work after an extended disability, an employee must submit a statement from the physician certifying that the employee can fulfill all of the responsibilities of the position.

An employee may, at any time, be required by management to furnish a written statement by a licensed health care professional if unable to work, regardless of the length of illness.

Employees separated from county employment will not be paid for accrued sick leave, except when retiring from county service as described below.

Employees who retire with five or more years of full-time service with the county and are eligible for Virginia Retirement System (VRS) benefits upon retirement, will receive cash compensation for their unused sick leave balance at a rate of \$2.00 per hour. There is no cap on the amount of compensation that an employee may receive for unused sick leave. Because of their higher accrual rate, 24-hour employees will be paid out at two-thirds of that rate.

**C. Family Sick Leave**

Each calendar year an employee may use up to four days (32 hours) of accrued sick leave for an illness, injury or medical appointment of the employee's child, spouse, or parent, including those who do not reside in the employee's home, or any relative residing in the employee's home. The name and relationship of the family member must be indicated on the leave request form. Family sick leave must be approved by the employee's supervisor and is not considered an entitlement. If the employee is eligible for the Family Medical Leave Act (FMLA), refer to administrative procedure 6-20.

Such leave may be used through the pay period covered by the last pay date of the calendar year. For 24-hour employees, 48 hours each year may be used for family illness.

When an employee uses a sick leave day for family illness, the employee's sick leave accrual is reduced one day as if the leave taken was for the employee's illness.

Family sick leave does not accrue beyond a calendar year but is carried over to the next year as regular sick leave. The employee may use up to four days sick leave in each successive year for family illness.

**D. Family Medical Leave Act (FMLA) – All full time and part time employees who have worked at least one year for Chesterfield County and have worked 1,250 hours for the County during the previous twelve months are eligible for FMLA leave under the provisions outlined in Administrative Procedure 6-20.**

**E. Maternity Leave – Maternity leave will be granted consistent with the county's sick leave, extended sick leave, Family Medical Leave Act, and leave without pay policies.**

**F. Extended Sick Leave**

Extended sick leave may be granted, at the discretion of the department director/office administrator, to full time employees who have a long-term illness or injury and have exhausted all paid leave.

Extended sick leave may only be granted to employees not eligible for workers' compensation or disability retirement.

An employee must be absent from the job for 42 consecutive calendar days (including holidays) before qualifying for extended sick leave. Extended sick leave cannot begin prior to the 43rd calendar day. All sick leave, annual leave, floating holidays and compensatory time must be exhausted before extended sick leave can be used.

In the event the employee does not have sufficient leave time (sick leave, annual leave, floating holiday, and/or compensatory time) to cover the 42-day waiting period, the employee will be placed on leave without pay until the employee returns to work or meets the required waiting period. During the time of leave without pay and extended sick leave, no annual or sick leave time will be accrued.

Department director/office administrator must request extended sick leave in writing to the Director of Human Resource Management. The request must include:

1. Name of the employee and social security number
2. Date of injury or illness
3. Physician's certification of injury or illness and projected return-to-work date
4. Personnel Action Form indication effective date of extended sick leave

Departments are responsible for monitoring extended sick leave and removing the employee from extended sick leave upon return to work or when extended sick leave expires, whichever comes first, by processing a Personnel Action Form.

Extended sick leave will be included as part of the 12 weeks of leave allowed under the Family and Medical Leave Act (FMLA) of 1993. If the employee's FMLA leave is exhausted and the department director/office administrator determines that the position needs to be filled, the employee may be separated from employment. Extended sick leave does not provide job protection. See Administrative Procedure 6-20 for more detailed information on FMLA.

Extended sick leave will be paid at the rate of 80% of the employee's pre-disability rate of pay. An employee will be eligible for extended sick leave based on a performance record that indicates they are meeting expectations for the job.

Employees who qualify for extended sick leave may receive up to an additional eight weeks (40 workdays) of sick leave per year.

Employees on extended sick leave continue to receive all benefits except for fixed holidays and accrual of sick and annual leave.

- G. **Bereavement Leave** – In the event of the death of a close family member, an employee shall be granted up to 24 hours leave with pay per occurrence, with a maximum of six days that can be used through the pay period covered by the last pay date of the calendar year. For 24-hour employees, one day equals 12 hours for bereavement leave purposes. Close family members shall include the employee's parents, stepparents, spouse, children, brothers, sisters, grandparents, and grandchildren or the spouse's parents, stepparents, children, brothers, sisters, grandparents and grandchildren. Close family members shall also include any other relatives of the employee that reside in the employee's household.
- H. **Civil Leave** – An employee shall be granted leave with pay when performing jury duty or when required by proper authority to be a witness in legal proceedings, provided such call to duty is reported in advance to the employee's department director/office administrator. An employee shall not, however, be granted such leave to attend a trial as a party unless required

to do so by the county. If jury duty time ends prior to the end of the employee's regularly assigned work hours, the employee will be required to report to work as soon as possible after jury duty has ended. Fees received for jury duty will be considered allowance for miscellaneous expenses (meals, parking and travel) associated with jury service. Employees do not have to submit these fees to Chesterfield County.

- I. **Executive Leave** – County executives and department directors are eligible for an Executive Leave program. Newly hired/promoted executives are granted a one-time credit of ten annual leave days on the effective date of their appointment. The accrual rate for newly hired/promoted executives will increase by one hour at the time of their appointment. (0-5 years will accrue 5 hours per pay period; over 5 but less than 10 years—6 hours, etc.)

J. **Military Leave**

1. ***Military Leave with Pay*** - Upon presentation of a copy of final orders, an employee who is a member of an officially-recognized reserve or national guard unit shall be entitled to 15 workdays of military leave for training purposes or active duty and shall be paid regular pay. These 15 workdays can be used through the pay period covered by the last pay date of the calendar year. For 24-hour employees, one day equals 12 hours for military leave purposes. For part-time employees that are eligible for benefits, military leave will be paid in proportion to their respective work schedule. Temporary employees are not eligible for military leave.
2. ***Advance Notice*** - An employee who is leaving to perform military service must provide advance written notice to his/her immediate supervisor (including the best approximation of the expected dates of the leave), unless it would be unreasonable to provide notice at that time or s/he is precluded by military necessity from providing notice. Employees should also submit leave request forms indicating the type of leave the employee wants to take ie., military leave without pay, military leave with pay, annual leave, floating holiday or an appropriate combination of leaves. When available, employees must provide a copy of their military orders to their supervisor. The employee may make arrangements with Payroll to continue health and dental benefits while on military leave without pay.
3. ***Military Leave Without Pay for Reservist Called to Active Duty*** - An employee who is called to active duty may be placed on military leave without pay when military leave is exhausted. Employees may use any accrued annual, floating holiday or PTL (for eligible part-time employees) before being placed on military leave without pay. During military leave without pay, annual leave and sick leave will accrue and the merit date will not change. These employees will be afforded reemployment rights if required conditions are met.
4. ***Voluntary Enlistment in the Uniformed Services of the United States*** - Employees that plan to serve for up to five years in the uniformed services shall be placed on a military leave of absence status. Employees may use their annual leave, floating holiday or part time leave (PTL) before being placed on military leave of absence status. These employees will not accrue annual, sick, or floating holiday leave while in military leave of absence status. These employees will be afforded reemployment rights if required conditions are met.
5. ***Basic Provisions and Requirements for Reemployment***
  - a. Chesterfield County shall reemploy military service members if they meet the following criteria consistent with Federal law:
    - (1) The employee must have given notice to their department that he or she was leaving the job for service in the uniformed services, unless giving

notice was precluded by military necessity or otherwise impossible or unreasonable;

- (2) The period of service must not have exceeded five years;
- (3) The person must not have been released from service under dishonorable or other punitive conditions; and
- (4) The person must have reported back to the job in a timely manner or have submitted a timely request for reemployment.

b. Restoration timelines are based on the duration of military service. The time limits for returning to work are as follow:

- (1) Less than 31 days service: The employee must request reemployment by the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period. If this is impossible or unreasonable, then as soon as possible.
- (2) 31 to 180 days: The employee must request reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- (3) 181 days or more: The employee must request reemployment no later than 90 days after completion of military service.

c. The employee shall be returned to the previous position, if vacant, or a comparable vacant position with the same rights and privileges as if the employee had not entered the military service. This means that when it comes to annual leave accrual or eligibility for service awards and retirement, an employee's months of service will include periods of military service.

d. Generally, employees selected to fill vacancies created by persons on military leave shall be employed on a provisional basis. Department directors/office administrators may waive this provision if they believe there will be a comparable vacancy available upon the departing employee's return from military service.

6. ***Supplemental Pay*** - Under special circumstances the County Administrator may authorize the County to pay active duty full-time and eligible part-time employees the difference between their military pay and their County pay. Duration of this supplemental pay may not exceed two years cumulatively for any employee. This two-year period is not retroactive and will begin July 1, 2003.

#### K. **Professional Development Leave**

Employees with greater than ten (10) years of continuous full-time service to the county may be granted professional development leave for the purpose of continued development in position-related studies. An employee may use accumulated annual leave or leave without pay for this purpose, if approved.

The following criteria should be considered when granting professional development leave:

1. Length of service (must be more than 10 years of continuous full-time service to be eligible)
2. Performance level (present and past evaluations)
3. The value of the development to county and departmental operations

All requests for professional development leave must be submitted in writing by the department director/office administrator to the Director of HRM and must be approved by the County Administrator.

## **L. Leave Without Pay/Dock**

When an employee has exhausted all applicable leave, it is up to the department director/office administrator to approve or deny leave without pay. If the department director/office administrator determines that it is in the best interest of the department to fill the position, the incumbent may be terminated when all leave credits are exhausted.

When leave without pay is granted, the employee's merit date shall be adjusted month for month. Leave without pay for less than 30 days does not affect the merit date. If the merit date moves between fiscal years, the employee will receive the merit increase amount authorized in the fiscal year of their new merit date, if eligible.

Employees will not be compensated for holidays or accrue annual or sick leave while on leave without pay.

An employee's health care benefits will remain the same as if they were in an active status for the first 30 days of leave without pay.

For purposes of determining retirement benefits, leave without pay shall be accounted for as determined under Virginia Retirement System provisions.

Exempt employees are salaried and shall be paid for the full pay week including any holiday that occurs during that week. However, the FMLA allows for partial day docking of exempt employees in FMLA status when leave balances are exhausted. An exempt employee, who is not in FMLA status, with no leave balance may be docked in full day increments only.

## **M. Leave Donations**

### **1. *Eligibility Requirements***

County employees may be permitted to donate annual leave or part time leave to full time and eligible part time employees who are unable to work due to their own serious medical condition or the serious medical condition of an immediate family member. Serious medical condition and immediate family member are defined in the Family & Medical Leave Act procedure (6-20).

Recipients who are out of work because of their own serious medical condition shall exhaust all sick, comp time, part time, floating holiday leave and have an annual leave balance of 40 hours or less before using Donated Leave. Recipients who are out of work due to the serious medical condition of an immediate family member shall exhaust all, family sick (if applicable), comp time, part time, and floating holiday leave and have an annual leave balance of 40 hours or less before using Donated Leave.

Employees are only eligible for donated leave if they are not eligible for workers' compensation wages. Donated leave may only be used for qualifying circumstances. If qualifying circumstances change, other leave may be applicable.

### **2. *Communication/Solicitation*** – An employee experiencing a personal or family medical situation ("Recipient") shall not solicit leave donations through e-mail, flyers, or memos. Employees wishing to donate leave ("Leave Donors") may be notified of a need by word-of-mouth or may become aware of the need because they work closely with the recipient.

### **3. *Procedure***

Leave Donors shall submit a Leave Donation Form to their department director indicating their leave balance, the number of hours they wish to donate, and the Recipient's name and department. The Leave Donation Form is automated and available on the HRM Intranet site. Leave must be donated in 8-hour increments. The donation must not cause the Leave Donor's balance to fall below 40 hours of annual

leave or 20 hours of part-time leave. The department director/office administrator shall review the request to insure these criteria are met and, if approved, forward to HRM. HRM shall contact the Recipient's director (if in another department) to insure they are supportive and, if appropriate, approve the request. Certification of the serious health condition may be requested by the leave recipient's department director/office administrator.

Once approved, HRM shall forward Leave Donation Forms to Payroll. Payroll shall subtract donated leave from the Leave Donor's annual or part time leave balance and make available to the Recipient. Recipients may receive a maximum of eight (8) workweeks of Donated Leave in a 12-month period. Donated leave used to care for an immediate family member is limited to four workweeks over the 12-month period. Eligible part time employees may not use Donated Leave in an amount exceeding their normal scheduled hours per week.

Before placing employees in Donated Leave status the department must contact payroll to determine if a Personnel Action Form must be processed. Donated Leave may not be taken the same pay period in which it is added to the Recipient's leave balance but may be taken the following pay period. When Donated Leave is used, the Recipient (or department) shall complete a leave request form, designating the leave as donated leave. Donated Leave must be used within 12 months from the date first used. If after 12 months all Donated Leave has not been used, the unused Donated Leave is forfeited. In cases where the recipient did not use any Donated Leave, the Donated Leave will be refunded to the donors in the exact number of hours donated.

Benefits deductions will be withheld from the Donated Leave pay. If the pay is not sufficient to cover the benefit deductions, Payroll will contact the employee to set up payment arrangements. Virginia Retirement System benefits will be determined by VRS guidelines.

The recipient will not accrue annual or sick leave while in Donated Leave status. Donated Leave will not be paid out at termination. Donated Leave may not be used past the end of the pay period in which HRM receives notification of approval of long term disability benefits or VRS disability retirement.

#### **N. Adoption/Parental Leave**

A full-time non-probationary employee may use up to 15 consecutive workdays or 120 consecutive work hours, whichever comes first, of sick leave for the purpose of caring for a newly and legally adopted child. For 24-hour employees, one day equals 12 hours. Adoption/Parental Leave must be coordinated with the Family and Medical Leave Act. If both parents are employees of the county, they may use up to a combined total of 15 consecutive workdays or 120 work hours per adopted child between them at the parent's discretion.

To request Adoption/Parental leave, the employee must submit a request in writing to their department director/office administrator for approval. The request is to include the amount of leave requested, starting and ending dates, and an explanation of request, and evidence of legal adoption (if applicable). The request is then forwarded to the Director of Human Resource Management for final approval.



**Leave Donation Form**

This form is to be completed by an employee wishing to donate leave (Leave Donor) to a full time or eligible part time employee who is unable to work (Recipient) due to their own serious medical condition or the serious medical condition of an immediate family member, as defined in Procedure 6-20. Leave may be donated in 8-hour increments only.

**This Section To Be Completed By Leave Donor**

I wish to donate the number of hours of annual leave that I have indicated below. I further understand that my donated leave will be forfeited once this form is processed.

Donor Signature \_\_\_\_\_ Date \_\_\_\_\_

Donor Name: \_\_\_\_\_ Department: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Current leave balance: \_\_\_\_\_ Annual Leave or Part Time Leave (Circle One)  
(hours)

I would like to donate: \_\_\_\_\_ (Must be in 8-hour increments)  
(hours)

to: \_\_\_\_\_ (Recipient's Name) \_\_\_\_\_ (Recipient's Department)  
for: ☐ Employee's medical condition ☐ Family member's medical condition

**This Section To Be Completed By Leave Donor's Department Director**

- ☐ The above request to donate leave is approved.
- ☐ The above request to donate leave is denied for the following reason:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Department Director's Signature Date Work Phone

**This Section To Be Completed By HRM**

Is Recipient's director supportive of this leave donation? ☐ Yes ☐ No  
Sr. Benefits Analyst notified? ☐ Yes ☐ No  
What are the Recipient's normally scheduled work hours per week? \_\_\_\_\_ SSN \_\_\_\_\_  
Comments:

\_\_\_\_\_

☐ Approved ☐ Denied

\_\_\_\_\_  
HRM Signature Date